

Serial No. 09/848,465

REMARKS

Reconsideration of the application as amended herein is respectfully requested.

Claims 1, 3, 8, 10-12, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over Plischke (US5977014) in view of Young (US5217445). The Examiner's rejections are respectfully traversed.

Claim 1 recites that the present invention comprises a sanitary absorbent article comprising, inter alia, an absorbing core having an upper part and a lower part, said core being formed from an absorption sheet and a superabsorbent material adhered to an inner surface of the sheet, said sheet consisting essentially of a wet laid paper and comprising two opposite longitudinal sides, each said longitudinal side having been bent onto the inner surface. (Emphasis Added). It is submitted that cited references do not disclose, either singularly, or in combination such a structure. Moreover, it is submitted that even if the teachings of references were combined in the manner suggest by the Examiner in the Office Action, it would still fail to disclose the claimed invention.

The Plischke et al reference teaches an absorbent core that can be formed from a variety of materials. However, none of the disclosed materials include a wet laid paper. Column 26, lines 55 to 57 of Plischke indicates that "the sanitary napkin can comprise a wet laid tissue superimposed on the core. (Emphasis Added). Thus, the core is not formed from a wet laid paper where the longitudinal edges are bent in the manner claimed, *rather a wet laid tissue is merely superimposed on the core*. In the Office Action the Examiner appears to acknowledge that Plischke does not disclose the claimed structure but rather contends that it would be obvious to modify the structure disclosed in Plischke in view of the Young reference to thereby arrive at the claimed invention. However, it is respectfully submitted that the proposed modification is neither obvious nor would such a modification result in the claimed invention.

The Young et al. reference discloses a *diaper* including including a acquisition/distribution layer 110 *and* an storage layer 108. The Examiner appears to contend in the Office Action that Young et al. discloses or suggests that a wet laid tissue may be used as the core in the manner claimed. However, a close reading of the reference reveals that Young et al.

Serial No. 09/848,465

teaches that the *acquisition/distribution layer* 110 may be made from a wet laid material. However, Young et al. fails to suggest any absorbent article that includes a *core* as recited in the claimed invention, i.e. "an absorbing core having an upper part and a lower part, said core being *formed from an absorption sheet* and a superabsorbent material adhered to an inner surface of the sheet, said sheet *consisting essentially of a wet laid paper*".

The Examiner further contends that Plischke is relied upon for teaching properties of a wetlaid tissue such that it would have been obvious to construct the absorption sheet of Pliske as a wetlaid tissue. However, it is respectfully submitted that Young at col. 14, ll. 2-12, discloses the desirability of using wet-laid material *as the acquisition/distribution layer*. In this regard, the Examiner's attention is drawn to the beginning of the same paragraph that begins at col. 13, l. 65, which states in relevant part:

Acquisition/distribution layers which contain chemically stiffened cellulosic fibers and which are prepared by wet-laying provide a number of advantages ... (Emphasis added)

In view of the above, it is respectfully submitted that one skilled in the art would be taught to use a wet-laid material as the *acquisition/distribution layer*, not a core as suggested by the Examiner.

It is respectfully requested that the Examiner identify in either Plischke and/or Young the specific portions that would motivate one skilled in the art to use a wet laid tissue as the core structure in the manner claimed. It is respectfully submitted that the Examiner cannot rely upon portions of the cited references that discuss the benefits of a wet laid material as a acquisition/distribution layer as providing motivation to one skilled in the art to use such a material as a core.

Claims 4, 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plischke in view Young, and further in view of Hoey et al. USPN 3,403,681 and Schreiber USPN 2,418,907. Applicants respectfully traverse. It is respectfully submitted that Hoey and Schreiber fail to overcome the deficiencies of Plischke and Young discussed above and therefore cannot be combined with Plischke and Young in any manner to thereby render the claimed invention obvious.

Serial No. 09/848,465

Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plischke in view of Young and further in view of Goldman et al. USPN 5,669,894. Applicants respectfully traverse. It is respectfully submitted that Goldman fails to overcome the deficiencies of Plischke and Young discussed above and therefore cannot be combined with Plischke and Young in any manner to thereby render the claimed invention obvious.

A petition for a one-month extension of time extending the time for response is enclosed herewith. Please charge the petition fee to Deposit Account No. 10-0750/J&J-1735/PJH in the name of Johnson & Johnson.

Reconsideration and allowance of these claims is accordingly respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: Paul J. Higgins/
Paul J. Higgins
Attorney for Applicant(s)
Reg. No. 44,152

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1728
Dated: October 3, 2005